

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CIT BANK, N.A.,

Plaintiff(s),

Index No. 17-CV-02167
(ADS)(AKT)

-against-

FRANCIS L. DONNATIN a/k/a FRANCES L.
DONNATIN, ROSE MARIE DONNATIN,
FRANCIS L. DONNATIN JR. a/k/a
FRANCES L. DONNATIN JR., JULIE
DONNATIN A/K/A JULIE A. DONNATIN,

ANSWER

Defendants.

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Defendant, FRANCIS L. DONNATIN a/k/a FRANCES L. DONNATIN, ROSE MARIE
DONNATIN, FRANCIS L. DONNATIN JR. a/k/a FRANCES L. DONNATIN JR., JULIE
DONNATIN A/K/A JULIE A. DONNATIN (hereinafter, collectively, "Defendant"), by their
attorney, DeLisa Law Group, PLLC, as and for their Answer to the Complaint herein, allege as
follows:

1. Deny the allegations set forth in paragraphs 3, 9, 20, 26, 31, 32, 33, 37, 38, 39 and 40 of the Complaint.
2. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraphs 2, 10e, 17, 21, 29, 35 and 36 of the Complaint.
3. Deny the allegations set forth in paragraphs 1, 14, 16, 18, 22, 23, 24, 25, 27, 28, 30 and of the Complaint, to the extent that they respectfully refer the Court to the documents and statutes referred to therein for a reading and interpretation thereof.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

4. The Complaint fails to state a cause of action against Defendant for which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

5. Upon information and belief, Plaintiff is not the holder of the Note and Mortgage underlying this foreclosure action.

6. As a result of the foregoing, Plaintiff lacks standing to maintain this action; and the complaint should be dismissed pursuant to CPLR 3211(a)(2) and (3).

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

7. Upon information and belief, Plaintiff failed to comply with the notice requirements imposed by Article 13 of the Real Property Actions and Proceedings Law, including, without limitation, the requirement to send a 90-day notice prior to initiating suit.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

8. Upon information and belief, Plaintiff failed to comply with the notice requirements imposed by Article 13 of the Real Property Actions and Proceedings Law.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

9. Plaintiff's claims are barred by the doctrines of unclean hands, bad faith, unconscionability, and estoppel.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

10. Defendant failed to mitigate any damages Plaintiff may have incurred.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

11. Defendant hereby gives notice that it intends to rely upon any other and additional defenses that are now or may become available during or as a result of the discovery proceedings in this action, and hereby reserves its right to amend this Answer to assert such defenses.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

12. Plaintiff has failed to supply a certificate of merit that complies with the requirement of CPLR 3012-b.

13. Accordingly, Plaintiff's Complaint should be dismissed pursuant to CPLR 3012-b (e).

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

15. The Court has no jurisdiction of the person of the Defendant.

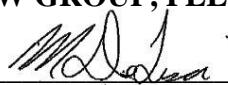
WHEREFORE, Defendant respectfully demands relief from this Court as follows:

A. Issuance of an Order and entry of Judgment dismissing Plaintiff's Complaint; and
B. Such other and further relief as the court may deem just and proper under the circumstances herein.

Dated: Bohemia, New York
June 9, 2017

DeLISA LAW GROUP, PLLC

By: _____


Michael C. DeLisa

Attorney for Defendant
630 Johnson Avenue, Ste. GL-006
Bohemia, New York 11716
631-573-6464

To: Windels Marx Lane & Mittendorf, LLP
156 West 56th Street
New York, New York 10019

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ANSWER

DELISA LAW GROUP, PLLC

By:


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